

WILLIAM MOSIER,

Plaintiff,

v.

SOUTHEAST ENERGY, LLC and
ANNE E. DYER,

Defendants.

(2006); see also Ashcroft v. Iqbal, 556 U.S. 662, 671, 129 S.Ct. 1937, 173 L.Ed. 868 (2009) (“Subject-matter jurisdiction cannot be forfeited or waived and should be considered when fairly in doubt.”). “As a general rule, when subject-matter jurisdiction is challenged, the party asserting jurisdiction...bears the burden of establishing it.” Luna-Reyes v. RFI Construction, LLC, 57 F.Supp.3d 495, 499 (M.D.N.C. 2014).

In his Complaint, Plaintiff alleges that he “sustained serious and painful injuries to his person, forcing him to incur expenses for obtaining medical treatment for his injuries, disrupting plaintiff’s lifestyle, causing the plaintiff to miss time from work and lose substantial income, causing the plaintiff to sustain injuries which are permanent and disfiguring in nature, and causing other losses to the plaintiff to be later proved at trial, all to the damage of the plaintiff in an amount in excess of \$25,000.00.” Doc. 1-1, ¶ 16.

The Notice states that “the amount in controversy exceeds \$75,000.00, exclusive of interest and costs” but does not provide additional information in this regard. Doc. 1.1, ¶ 6.

Accordingly, Defendants are **DIRECTED** to file, by May 15, 2020, a memorandum, not to exceed five (5) pages in length, describing the basis for their contention that the amount in controversy supports diversity jurisdiction.

Plaintiff may file, within ten (10) days following Defendants' filing, a response, also not to exceed five (5) pages.

It is so ordered.

Signed: April 28, 2020

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

